

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff,

Case No. 3:16CR00252

v.

ORDER

Francisco Gomez-Mendoza,

Defendant,

On July 13, 2016, Defendant Francisco Gomez-Mendoza, a Mexican citizen illegally in the United States, was the front seat passenger in a vehicle with six other individuals, likewise illegal aliens. An Ohio Highway State Trooper had stopped the vehicle because it did not have a license plate light. Agents from Customs and Border Patrol were also on the scene.

During post-stop questioning, the officers learned that the Defendant, though not the driver at the time of the stop, had driven the others east from Arizona. The officers also learned that he had received \$1,200 to transport the passengers and had paid for food and gas on the trip. They also found he had \$1,322 which the CBP Agents seized.

In due course the government charged him under 18 U.S.C. § 1324 with transporting illegal aliens. Though it later dismissed these charges, it instituted forfeiture proceedings, serving the defendant with an August 23, 2016, notice of forfeiture.

On September 13, 2016, the defendant filed a claim requesting return of the money. On November 7, and November 21, 2016, Defendant also requested status updates. Because the Defendant had not established that that he was eligible for remission, on November 23, 2016, CBP sent Defendant a final determination letter denying his request for return of the money.

The letter told the Defendant that he could request reconsideration of this decision within sixty days of its date. The Defendant did not respond to that notice.

Now pending is Defendant's motion for return of property (Docs. 21, 22), which the government opposes. (Doc. 24). For the reasons that follow, I deny the motion.

As the government points out, the Defendant has not disputed the (indisputable) fact that he obtained the money to aid him in his criminal effort to transport aliens east from Arizona. That being so, he his demand for return of the forfeited funds is not just untimely, it has no merit whatsoever.

It is, accordingly, hereby

ORDERED THAT the Defendant's motion for return of property (Docs. 21, 22) be, and the same hereby is denied.

An appeal from this decision could not be taken in good faith and shall not be allowed without prepayment of the requisite filing fee.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge